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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/512,072	11/04/2004	Andrea Trombi	024931-00026	2437
4372	7590 10/05/2005		EXAMINER	
ARENT FOX PLLC 1050 CONNECTICUT AVENUE, N.W.			ALI, SHUMAYA B	
	SUITE 400			PAPER NUMBER
WASHING	TON, DC 20036	3743	<u> </u>	
			DATE MAILED: 10/05/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)			
Office Action Comment	10/512,072	TROMBI, ANDREA			
Office Action Summary	Examiner	Art Unit			
	Shumaya B. Ali	3743			
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address			
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim vill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI	I. lety filed the mailing date of this communication. D (35 U.S.C. § 133).			
Status					
1) Responsive to communication(s) filed on 04 No	Responsive to communication(s) filed on <u>04 November 2004</u> .				
2a) This action is <b>FINAL</b> . 2b) ⊠ This	☐ This action is <b>FINAL</b> 2b)⊠ This action is non-final.				
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims					
<ul> <li>4)  Claim(s) 1-4 is/are pending in the application.</li> <li>4a) Of the above claim(s) is/are withdraw</li> <li>5)  Claim(s) is/are allowed.</li> <li>6)  Claim(s) 1-4 is/are rejected.</li> <li>7)  Claim(s) 1 is/are objected to.</li> <li>8)  Claim(s) are subject to restriction and/or</li> </ul>		·			
Application Papers					
9)☑ The specification is objected to by the Examine.  10)☑ The drawing(s) filed on <u>04 November 2004</u> is/a  Applicant may not request that any objection to the o  Replacement drawing sheet(s) including the correct  11)☐ The oath or declaration is objected to by the Ex	re: a)⊠ accepted or b)⊡ objector drawing(s) be held in abeyance. See ion is required if the drawing(s) is obj	e 37 CFR 1.85(a). ected to. See 37 CFR 1.121(d).			
Priority under 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:  1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the prior application from the International Bureau * See the attached detailed Office action for a list	s have been received. s have been received in Application rity documents have been received (PCT Rule 17.2(a)).	on No ed in this National Stage			
Attachment(s)					
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date  S. Patent and Trademark Office	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other: detailed action	ate atent Application (PTO-152)			

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#### **DETAILED ACTION**

### Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specification on page 8 lines 9-13 "...the presence of the deformable elements enables the valve to operate in immediate fashion, opening it and closing it in very short time intervals..." however on pages 7 and 8, the applicant's disclosure of the operation of the apparatus does not seem to convey "a plurality of deformable connecting elements between the ring and the shutter to allow said shutter to move from said operative blocking configuration to said operative configuration of consent and vice versa" as claimed in the independent claim 1, page 9, lines 15-17. In addition, on page 7 lines 15-25 there seem to be no functional relationship disclosed between the shutter and the deformable elements. Therefore, the operation of the apparatus as disclosed in pages 7 and 8 does not seem to comply with what is being claimed in claim 1. Therefore, the limitation as recited in claim 1, lines 15-17 is considered indefinite.

### Specification

2. The disclosure is objected to because of the following informalities: Disclosure lack inadequate explanation of how the shutter moves back to a resting position.

Appropriate correction is required.

## Claim Objections

3. Claim 1 is objected to because of the following informalities: suggested change of the claim language, claim 1, page 9 line 20, consider replacing "characterized in that the" with "said"

#### Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 6,003,737 disclose **a** deformable shutter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shumaya B. Ali whose telephone number is 571-272-6088. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Bennett can be reached on 571-272-4791. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Shumaya B Ali 10/305

Examiner Art Unit 3743

Supervisor, Salen Examiner